

MINUTES OF THE
ARIZONA BOARD OF TECHNICAL REGISTRATION

January 22, 2008

9:30 AM

OPEN SESSION

1. CALL TO ORDER - The meeting of the Board of Technical Registration was called to order at 9:36 AM by Chair, Susan Schaefer Kliman.

Presentation of the Board of Technical Registration's Resolution to the Arizona Rangers – The Board presented a framed Resolution to the Arizona Rangers acknowledging and thanking them for their volunteerism and service to the Board in conducting inspections of clandestine drug labs. Accepting the Resolution on behalf of the Arizona Rangers was: Col. Sid Chandler and the Board of Directors of the Arizona Rangers.

2. ROLL CALL - Board Members in Attendance: Karen Cesare, Dawn Garcia, Stuart Lane, Chet Pearson, Susan Schaefer Kliman, and Ronald Starling. Absent: Sheila Bowen, Richard Pawelko, and Robert Roos. Board Staff: Ronald Dalrymple, LaVern Douglas, Kathryn Fuller, Lisa Lawhorn, Manuel Maltos, and Cassie Goodwin. Assistant Attorney General: Terrie Sanders.
3. CALL TO THE PUBLIC – No members of the public spoke.
4. ADOPTION OF MINUTES – Ms. Cesare moved to approve the December 18, 2007 minutes with a minor correction. Mr. Lane seconded. Motion Carried.

5. ENFORCEMENT MATTERS

Review, Consideration and Possible Vote on the following:

A. Proposed Peer Reviewer

1. M05-174 and M06-293, Raad M. Salih, P.E. (Civil) #34016 – Mr. Starling moved to approve Respondent's proposed peer review candidate, Hassan Elsaad, P.E. (Civil) #23223. Mr. Lane seconded. After discussion, Motion Failed.

Mr. Lane moved to approve Respondent's proposed peer review candidate, Jay Mihalek, P.E. (Civil), R.L.S. 17375. Ms. Garcia seconded. After discussion, Motion Failed.

2. M07-074 William J. Christenson, P.E. (Structural) #34626 – Mr. Starling moved to approve Respondent's proposed peer review candidates, Devon

Furstenau, P.E. (Structural) #18707 and Stephen Schwan, P.E. (Structural) #27351. Ms. Cesare seconded. After discussion, Motion Carried.

6. HOME INSPECTOR ENFORCEMENT MATTERS

Review, Consideration and Possible Vote on the following:

A. Proposed Consent Agreements

1. HI07-087 Gary H. Oberbeck, CHI #38661 – Mr. Lane moved to accept Respondent's signed consent agreement encompassing the following Order: Letter of Reprimand; Administrative Penalty: Respondent shall pay an administrative penalty in the amount of \$1,000.00; Probation: Respondent's certification shall be placed on probation until restitution has been made in the amount of \$260.00 to John Kaufman; Open Book Test: Respondent shall take and complete an open book test of the Board's Statutes and Rules within 30 days, passing with a 100% score; and Cost of Investigation: Respondent shall pay the cost of investigation in the amount of \$146.00. Ms. Garcia seconded. After discussion, Motion Carried.

2. HI07-083 Dennis L. Boswell, CHI #40789 – Ms. Cesare moved to accept Respondent's signed consent agreement encompassing the following Order: Letter of Reprimand; Administrative Penalty: Respondent shall pay an administrative penalty in the amount of \$100.00; Open Book Test: Respondent shall take and complete an open book test of the Board's Statutes and Rules within 30 days, passing with a 100% score; and Cost of Investigation: Respondent shall pay the cost of investigation in the amount of \$56.00. Ms. Garcia seconded. After discussion, Motion Carried.

7. Review, Consideration and Possible Vote on the following:

EVALUATION OF APPLICATIONS FOR EXAMINATION AND/OR POSSIBLE GRANTING OF REGISTRATION OR CERTIFICATION

1. Peter D. Jirout – FE Examination. Mr. Lane moved to approve Mr. Jirout's application for examination. Mr. Starling seconded. After discussion, Motion Carried.

2. Mojtaba Mosallai – P.E. (Civil) Registration. Mr. Lane moved to deny Mr. Mosallai's application for registration based on his failure to comply with a Board Order. Ms. Garcia seconded. After discussion, Motion Carried.

3. Richard Harbert – P.E. (Mechanical) Comity Registration. Mr. Lane moved to deny Mr. Harbert's application for comity registration based on his failure to comply with a Board Order. Ms. Cesare seconded. After discussion, Motion Carried.

8. Review, Consideration and Possible Vote on the following:
EVALUATION COMMITTEE AND STAFF RECOMMENDATIONS AND
POSSIBLE GRANTING OF REGISTRATION OR CERTIFICATION (LIST
AVAILABLE AT BOARD OFFICE)

1. Granting of professional or in training registration
2. Approval to sit for the professional or in training examination

Mr. Lane moved to accept the committee and staff recommendations listed in items 8.1 through 8.2. Ms. Garcia seconded. After discussion, Motion Carried.

9. Review, Consideration and Possible Vote on the following:

1. National Council of Architectural Registration Boards ("NCARB") Requirement of the Intern Development Program ("IDP") completion prior to allowing the candidate access to the Architect Registration Exam ("ARE").

Mr. Lane moved to re-appoint Claude Baker, P.E., Greg Tuttle, R.L.S. and appoint Ronald Starling, P.E. (upon appointment of his replacement to the Board) as Emeritus Members. Mr. Pearson seconded. After discussion, Motion Carried.

Mr. Starling moved to re-appoint Ronald W. Dalrymple, Executive Director and LaVern Douglas, Deputy Director as Associate Members. Ms. Garcia seconded. After discussion, Motion Carried.

2. Reply from the National Council of Architectural Registration Boards ("NCARB") to Arizona's query regarding Requirement of the Intern Development Program ("IDP") completion prior to allowing the candidate access to the Architect Registration Exam ("ARE").

Mr. Dalrymple advised NCARB made a modification to its handbook in Resolution 07-08 requiring any person seeking to take the ARE must have an IDP record. Arizona does not require applicants to have an IDP record in order to take the exam. There is great concern that NCARB's requirement of the IDP record will preclude Arizona applicants who do not follow the IDP process from eligibility to take the exam. Mr. Dalrymple would like the Arizona representatives to go to the WCARB meeting and ask the regional members to consider a resolution that would bring this back up to the full membership for reconsideration. With this resolution, NCARB may determine the sequence in which applicants must follow in order to become registrants. Arizona law does not require this sequence and has always allowed applicants flexibility in choosing the process of becoming registered. In order to comply with this requirement, the Arizona Board will be required to change state laws.

Dr. Schaefer Kliman stated this was a very hotly contested resolution. There was some concern with NCARB dictating things however, there are a lot of states which require education first, experience second, then the examination third in order to obtain registration. There was a lengthy discussion on this resolution and the order.

For those states whose statutes actually dictate the order, if somebody actually completed an IDP record the reviewing state board would not look into the details behind the file, only that the requirements of NCARB and the IDP have been completed. This would eliminate the concern of the reviewing state about the order taken, not the completion of the IDP which Arizona's statutes require. Since there are many states with different statutes she is not sure of the likelihood of NCARB to start dictating to an agency.

Mr. Dalrymple advised the only way to change the resolution is to put the matter back before the NCARB membership. The first step, if the Board agrees on its position, is to ask the other boards to support us, which by Mr. Starling's letter the Board can do. It is common within the councils, when a state has an issue, to request the support of other states outside of the meeting. Then, when it comes to the regional meeting there is a discussion and an initial vote. Then if you get support from the region, that encourages you to go further. If you don't get support in your own region then you would want to review the issue and see whether or not there is a chance of prevailing if you take it to the full membership.

Dr. Schaefer Kliman believes, based on NCARB's response to Mr. Dalrymple's letter, they just want the applicant to open a file. The question is just how much further does that go. That is something that the subcommittee would need to address with NCARB and it's really up to the membership.

Mr. Lane is in favor of having a subcommittee formed to discuss this and take the message on.

Mr. Dalrymple clarified the board could implement the requirement without going to the legislature based on the requirements already in statute and rule. It can be done within the board through a rule change. The problem is the requirement shouldn't be propelled by a national council who says they're going to shut Arizona applicants off from the examination unless they follow the council's requirements. The national council should not be allowed to do that.

Mr. Starling suggests placing this matter on the next agenda for the Legislation and Rules ("L&R") Committee if this is the choice of the board. This is the mechanism by which the board uses to discuss changes.

Mr. Lane believes this matter still needs to be address to NCARB through the state members and respond to this.

Mr. Pearson believes before this goes to L&R Committee, the board should obtain input from the architectural community.

Dr. Schaefer Kliman appoints a subcommittee composed of herself, Mr. Pawelko, Mr. Dalrymple and anyone else who would like to serve on the committee. She also referred this matter to the next Legislation and Rules Committee meeting for discussion.

10. Review, Consideration and Possible Vote on the following:

1. DISCUSSION AND CONSIDERATION OF PROPOSED CONSOLIDATION OF THE BOARD OF TECHNICAL REGISTRATION INTO THE REGISTRAR OF CONTRACTOR.

Mr. Dalrymple advised the Board the Governor has recommend that the Board be consolidated with the Registrar of Contractors as part of her overhaul of state government. He is looking for guidelines and input from the Board on their position on consolidation into the Registrar of Contractors and whether or not they support the Governor's proposal. He also advised the Board the Registrar would like to meet with the Board to discuss the changes.

After discussion the general consensus is that there is not enough information to make an informed decision to support the consolidation or respond to it at this time, and the initial reactions from the professions is not favorable towards this. Both agencies are busy so there doesn't appear to be any cost savings and there are vast differences in what each agency does which would make consolidation more difficult. It would make sense for small agencies (those consisting of one to three staff members) to consolidate but not these two agencies. The Board would like staff to arrange a meeting between a subcommittee of the Board and the Registrar to discuss the proposal.

11. DIRECTOR'S REPORT – Information was covered in Agenda Item 10.1

12. BOARD CHAIR'S REPORT – None given at this time.

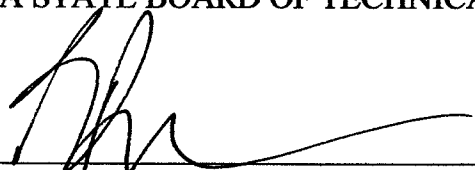
13. FUTURE BOARD MEETINGS – Tuesday, February 26, 2008 at 9:30 AM

14. FUTURE AGENDA ITEMS

1. Hubbard Case
2. Grace period for R4-30-304(E)(4) – Expiration Date
3. Report regarding the Structural Taskforce for NCEES

15. ADJOURNMENT – Meeting adjourned at 11:11 AM.

ARIZONA STATE BOARD OF TECHNICAL REGISTRATION



Richard Y. Pawelko, Chairman

Ronald W. Dalrymple, Executive Director